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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,846	08/17/2001	Erik P. Staats	18602-06321	4544

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EXAMINER

AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,846

Applicant(s)

STAATS ET AL.

Examiner

Glenn A. Auve

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Reissue Applications*

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.
2. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,940,600 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

3. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. The declaration sets forth a very general statement that refers to the failure to claim certain subject matter. However, it is not clear exactly what was missing from the issued claims which is now being captured in the reissue. There should be more specificity including an indication of where in the specification the embodiment now being claimed can be found.

It is also not clear what the alleged error is with regard to what error is being corrected by the reissue. It appears as though applicant is saying that the absence of the "real time"

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limitation from the claims is the error, however the new reissue claims also do not contain any such "real time" limitation other than in the preamble which is not entitled to patentable weight.

4. Claims 1-17 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Smyers et al., U.S. Pat. No. 6,243,783 B1.

As per claim 1, Smyers et al. (Smyers) shows configuring an isochronous channel within a computer to include a linked list of buffers configured to include a linked list of buffers configured to receive isochronous data transmitted within said computer system (abstract and at least col. 5, line 61 – col.6); adding a sender client configured to transmit said isochronous data to said isochronous channel, said sender client being a software driver routine associated with a sender node of said computer system, and providing said sender client with a channel identifier (the first application connected to the channel, as in fig. 2); and adding a listener client to said isochronous channel, said listener client being a software driver routine associated with a

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listener node of said computer system, by providing said listener client with said channel identifier (the second application which participates in the transfer, as in fig. 2, and col. 5, line 61 – col. 7, line 35). Smyers shows all of the elements recited in claim 1.

As for claim 2, the argument for claim 1 applies. Smyers also shows adding said sender client as a further listener client (the applications participating in the transfer can be called by any such name, therefore this limitation is inherent) . Smyers shows all of the elements recited in claim 2.

As for claim 3, the argument for claim 1 applies. Smyers also shows that configuring said isochronous channel comprises executing computer readable instructions on a central processing unit of said computer system (at least cols. 5-7). Smyers shows all of the elements recited in claim 3.

As for claim 4, the argument for claim 1 applies. Smyers also shows said isochronous channel comprises a data path within said computer system (at least cols. 5-7). Smyers shows all of the elements recited in claim 4.

As for claim 5, the argument for claim 1 applies. Smyers also shows transmitting isochronous data from said sender client to said linked list of buffers across said isochronous channel (at least cols. 5-7). Smyers shows all of the elements recited in claim 5.

As for claim 6, the argument for claim 1 applies. Smyers also shows receiving said isochronous data at said linked list of buffers (at least cols. 5-7). Smyers shows all of the elements recited in claim 6.

As per claim 8, Smyers shows a sequence of computer-readable instructions embodied on a computer-readable medium comprising instructions arranged to cause a processor to configure an isochronous channel within a computer system including said processor to include a linked list of buffers configured to receive isochronous data transmitted within said computer

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system and to cause said processor to add a sender client to said isochronous channel and to cause said processor to add a listener client to said isochronous channel (fig.2 and at least cols. 5-7 as noted above for claim 1). Smyers shows all of the elements recited in claim 8.

As per claim 9, Smyers shows an isochronous channel having a linked list of buffers configured to receive isochronous data transmitted within said computer system (abstract and at least col. 5, line 61 – col.6); a sender client associated with said isochronous channel and configured to transmit said isochronous data, said sender client being a software driver routine associated with a sender node of said computer system (first application connected to the channel); and a listener client associated with said isochronous channel and configured to receive said isochronous data, said listener client being a software driver routine associated with a listener node of said computer system (the second application connected to the channel); wherein said sender client has an associated channel identifier that is provided to said listener client (cols. 5-7). Smyers shows all of the elements recited in claim 9.

As for claim 10, the argument for claim 9 applies. Smyers also shows that said sender client comprises a further listener client (the applications participating in the transfer can be called by any such name, therefore this limitation is inherent) . Smyers shows all of the elements recited in claim 10.

As for claim 11, the argument for claim 9 applies. Smyers also shows that said isochronous channel comprises a data path within said computer system (cols. 5-7). Smyers shows all of the elements recited in claim 11.

### ***Conclusion***

7. It is noted that the new claims 12-17 include specific limitations regarding the contents of each buffer including the use of a condition field. This particular limitation does not appear to be

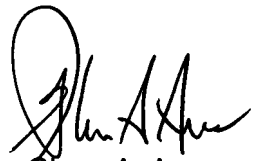
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present in the prior art. It is also noted that the limitations of claim 7 also do not appear to be present in the prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (703) 308-9638. The examiner can normally be reached on M-Th 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Glenn A. Auve  
Primary Examiner  
Art Unit 2181

gaa  
December 12, 2002